

**04-563      MAYLE V. FELIX**

**DECISION BELOW:      379 F.3d 612 (9<sup>TH</sup> Cir. 2004)**

QUESTION PRESENTED

When a habeas petitioner challenging a state judgment amends his petition to include a new claim, does the amendment relate back to the date of the filing of his petition and thus avoid the one-year statute of limitations, 28 U.S.C. § 2244(d)(1), so long as the new claim stems from the prisoner's trial, conviction, or sentence?

Cert. Granted 1/7/05